

**Applicant:** Zeira et al.  
**Application No.:** 109/845,803

## **REMARKS**

In the Office Action, claims 22 – 30 were rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Publication No. 2002/0016177 (Miya et al.). Applicants respectfully traverse this rejection based on the following.

The Office Action refers to Figures 2 and 5 of Miya. Please note that these figures and their corresponding description refer to setting the transmission power level of the mobile station and not either the downlink power level or the transmit power level of a base station. Miya discloses the uplink transmit power of the mobile station by contrast. Furthermore, even assuming that the uplink power control technique of Miya could be applied to the downlink, the power control technique is totally different than claimed in the present claims. First, Miya clearly illustrates an individual setting of power level for each timeslot using transmit power commands (TPC) for that timeslot or using a single to interference ratio (SIR) measurement of that timeslot. In the embodiment of Figure 2, the power level is calculated based on a reception power level in that time slot and a closed loop power command, see paragraph [0015]. In the embodiment of Figure 5, the transmit power level is set based on a transmit power level adjusted by a difference between a prior and a current power control level and a current uplink power command and a current downlink power command. Figure 5 shows that the mobile unit measures a SIR and uses a measured interference level to produce the SIR; however, that SIR

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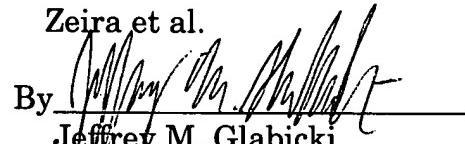
was only used to produce a power command (see paragraph [0065] and the paragraphs associated with Figures 9 and 10, namely [0080] – [0082]).

The present invention receives a coded composite transport channel (CCTrCH) and transmits a power command to a base station. The user equipment also sends interference power measurements for each timeslot to the base station. Nowhere does Miya disclose that the mobile station sends interference measurements to the base station. The only use of interference measurements in Miya is that Miya discloses that the interference measurement is used to calculate a SIR at the mobile station which is used to generate a transmit power command. The present claims refer to a transmission power for each downlink communication timeslot is set individually in response to the interference power measurement for that timeslot and the power command. This is not taught by Miya at all. Miya discloses using a received power level uplink and downlink power commands to set the power level. Accordingly, Applicants respectfully submit that the claims are not obvious in view of Miya. Furthermore, with respect to claim 23, 26 and 29, Miya does not disclose establishing a transmit power level and then modifying that transmit power level in response to an interference power measurement. Miya does not disclose using an interference power measurement at all. With respect to claims 24, 27 and 30, nowhere does Miya disclose that the interference power measurements are interference signal code power (ISCP).

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Reconsideration and entry of this reply is respectfully requested.

Respectfully submitted,

Zeira et al.  
By   
Jeffrey M. Glabicki  
Registration No. 42,584  
(215) 568-6400

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103

JMG/pf